Remarks

Claims 16 and 17 are pending. Claims 16 and 17 are rejected.

Claim 16 is rejected under 35 U.S.C. 101. Claim 16 has been cancelled.

Claims 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. Pub. 2002/0138377 (Weber).

With regard to claim 17, Weber does not disclose one or more computers configured to, for each of the queries, provide a list of the available audits responsive to the query. Rather, Weber's software randomly selects employees to audit, and then generates a report that summarizes the compliance/non-compliance of the audited employees with regard to various job queries:

> After the user has entered the number of employees to audit and the number of observations to be performed, the processor 114 (FIG. 1) randomly selects the requested number of employees to audit by randomly selecting a number of employee tables 160 (FIG. 5) from the nonvolatile storage device 118 (FIG. 1). It should be noted that random selection may be performed via use of any known method of randomizing selection, including, but not limited to, use of randomizing algorithms. The number of selected employee tables 160 (FIG. 5) is equal to the user specified number of employees (block 218). In other embodiments, not specifically illustrated, the "selection" may be made pseudo-randomly or non-randomly.

> Weber, [0053].

> The auditing system 102 (FIG. 1) then provides the user, or auditor, with the first of the randomly selected employees and requests a job code to be entered for the first randomly selected employee (block 222). An entered job code is required to match one of the job identifications stored within the job code field 182. Job codes are then sequentially required to be entered for each of the randomly selected employees until all employees have been associated with a job code. It should be noted that, in accordance with one alternative embodiment of the invention, more than one

job code may be requested if employees that are to be audited tend
to work on more than one specific job.

Weber, [0054].

An observations report is made available by the auditing software
108 (FIG. 1). The observations report summarizes usage of
observation queries stored within the job name field 184 (FIG. 6).
FIG. 11 is an example of an observations report 352. Specifically,
the observations report 352 comprises the following: a job
identification column 354; an associated job query column 356;
a compliant column 358 for providing a summary of the number
of times employees have been in compliance with a job query; a
non-compliant column 362 for providing a summary of the
number of times employees have not been in compliance with a
job query; an incomplete column 364 for summarizing the number
of times a job query was randomly selected for an observation
sheet, wherein results of an audit performed via use of the
observation sheet have not yet been inputted to the auditing
system 102 (FIG. 1); and, a last used date column 366 for
providing the last date that a job query was randomly selected.

Weber, [0073].

Selecting employees and reporting employee compliance/non-compliance has nothing to do with

providing a list of available audits responsive to queries.

With regard to claim 17, Weber does not disclose one or more computers

configured to receive input representing a confirmation of the one or more scheduled dates for

the selected audit. The Examiner attempts to find this limitation in the following passages of

Weber:

After observation compliance or non-compliance has been
determined, results are stored for use by the auditing software 108
(FIG. 1) by the user inputting the results via use of the input
devices 122 (FIG. 1). To store the results the user, or auditor, may
select the sheet number of the observation sheet from a pull-down
list provided by the auditing system 102 (FIG. 1). Selection of the
sheet number provides the user with a corresponding
electronically displayed observation sheet where compliance
and/or non-compliance with queries may be recorded. FIG. 10

provides an example of an observation sheet provided to a user as a result of selection of a corresponding sheet number.

Weber, [0059]

The name 316 of the individual who performed the observation is also displayed within the observation sheet 302, <u>as well as the date 318 when the observation sheet 302 was first called by the auditing software 108 (FIG. 1). Herein, the first called date is the date when the auditing software 108 (FIG. 1) first created the observation sheet 302. An end date of observation 322 is displayed within the observation sheet 302, wherein the end date is the date that results received after auditing, via use of the observation sheet 302, are inputted into the computer 102 (FIG. 1). It should be noted that the end date of the observation sheet may read "incomplete" if results recorded by a user have not been entirely inputted into the computer 102 for use by the auditing software 108 (FIG. 1).</u> If the user has comments regarding the audited employee, the user may enter the comments within a comment section 324 of the displayed observation sheet 302.

Weber, [0061] (emphasis added).

An observations report is made available by the auditing software 108 (FIG. 1). The observations report summarizes usage of observation queries stored within the job name field 184 (FIG. 6). FIG. 11 is an example of an observations report 352. Specifically, the observations report 352 comprises the following: a job identification column 354; an associated job query column 356; a compliant column 358 for providing a summary of the number of times employees have been in compliance with a job query; a non-compliant column 362 for providing a summary of the number of times employees have not been in compliance with a job query; an incomplete column 364 for summarizing the number of times a job query was randomly selected for an observation sheet, wherein results of an audit performed via use of the observation sheet have not yet been inputted to the auditing system 102 (FIG. 1); and, <u>a last used date column 366 for providing the last date that a job query was randomly selected.</u>

Weber, [0073].

The dates discussed above, however, do not represent a confirmation of the one or more scheduled dates for the selected audit. Rather, the "first called date is the date when the auditing

software 108 (FIG. 1) first created the observation sheet 302," Weber [0061], the "end date is the date that [audit] results . . . are inputted into the computer 102 (FIG. 1)," *id.*, and the "last used date column . . . [is] the last date that a job query was randomly selected," Weber [0073].

With regard to claim 17, Weber does not disclose one or more computers configured to store the confirmation in a corresponding field of the central database. The Examiner cites paragraph [0059] of Weber (provided above) to find this limitation. Weber, however, cannot disclose this limitation because, as explained above, Weber does not receive input representing a confirmation of the one or more scheduled dates for the selected audit.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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